

## **780 CMR 51.00 Administration for Single and Two Family Dwellings**

### **780 CMR 5111 PERMITS**

**5111.1 Action on Application.** The building official shall examine or cause to be examined all applications for permits and amendments thereto within 30 days after filing thereof. If the application or the construction documents do not conform to the requirements of 780 CMR 51.00 through 99.00 and all pertinent laws under the building official's jurisdiction, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of 780 CMR 51.00 through 99.00 and all laws and ordinances applicable thereto, the building official shall issue a permit therefore.

**5111.2 Zoning.** In accordance with the provisions of M.G.L. c. 40A or St. 1956, c. 665 as amended, no permit for the construction, alteration, change of use or moving of any detached one- or two-family dwelling shall be issued if such detached one- or two-family dwelling or use would be in violation of any zoning ordinance or bylaw.

**5111.3 Railroad Right-of-way.** No permit to build a structure of any kind on land formerly used as a railroad right-of-way or any property appurtenant thereto formerly used by any railroad company in the state shall be issued without first obtaining, after public hearing, the consent in writing to the issuance of such permit from the Secretary of the Executive Office of Transportation and Construction, all in accordance with M.G.L. c. 40, § 54A.

**5111.4 Water Supply.** No permit shall be issued for the construction of a detached one- or two-family dwelling which would necessitate the use of water therein, unless a supply of water is available therefore, either from a water system operated by a city, town or district, or from a well located on the land where the detached one- or two-family dwelling is to be constructed, or from a water corporation or company, as required by M.G.L. c. 40, § 54.

**5111.5 Debris.** As a condition of issuing a permit

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for the construction demolition, renovation, rehabilitation or other alteration of a detached one or two-family dwelling, M.G.L. c. 40, § 54 requires that the debris resulting there from shall be disposed of in a properly licensed solid waste disposal facility as defined by M.G.L. c. 111, § 150A. Signature of the permit applicant, date and number of the building permit to be issued shall be indicated on a form provided by the building department, and attached to the office copy of the building permit retained by the building department. If the debris will not be disposed of as indicated, the holder of the permit shall notify the building official, in writing, as to the location where the debris will be disposed.

**511.6 Excavation And Trench Safety.** Excavation on private or public land shall be permitted and executed in accordance with 520 CMR 14.00: Excavation and Trench Safety.

**511.6-7 Workers' Compensation.** No permit shall be issued to construct, reconstruct, alter or demolish a detached one- or two-family dwelling until acceptable proof of insurance pursuant to M.G.L. c. 152, § 25C(6) has been provided to the building official.

**511.78 Hazards to Air Navigation.** Application for building new structures or adding to existing structures within airport approaches as defined in M.G.L. c. 90, § 35B and any amendments thereto or language substituted therefore, must include a certification by the applicant that:

1. Either a permit from the Massachusetts Aeronautics Commission is not required because the structure is, or will be:

(a) In an area subject to airport approach regulations adopted pursuant to M.G.L. c. 90, §§ 40A through 40I; or

(b) in an approach to Logan International Airport; or

(c) less than 30 feet (9144 mm) above ground level; or

2. A permit from the Massachusetts Aeronautics Commission is required pursuant to M.G.L. c. 90, § 35B and a copy of said permit is enclosed with the application.

Applications for permits to build a new structure

or add to an existing structure requiring the filing of a Notice of Proposed Construction or Alteration (FAA Form 7460-1) with the Federal Aviation Administration shall mail a copy of the completed FAA Form 7460-1 to the Massachusetts Aeronautic Commission within three business days after submitting said form to the FAA.

**5111.89 Expiration of Permit.** Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within six months after its issuance; however, for cause, and upon written request of the owner, one or more extensions of time, for periods not exceeding six months each, may be granted in writing by the building commissioner or inspector of buildings. Work under such a permit in the opinion of the building commissioner or inspector of buildings must proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances. It is the sole responsibility of the owner to inform, in writing, the building commissioner or inspector of buildings of any facts which support an extension of time. The building commissioner or inspector of buildings has no obligation under 780 CMR 5111.8 to seek out information which may support an extension of time. The owner may not satisfy this requirement by informing any other municipal and/or state official or department.

For purposes of 780 CMR 5111.8 any permit issued shall not be considered invalid if such abandonment or suspension of work is due to a court order prohibiting such work as authorized by such permit; provided, however, in the opinion of the building commissioner or inspector of buildings, the person so prohibited by such court order, adequately defends such action before the court. Although said permit shall remain valid pending final disposition by the court, no work shall be performed in violation of a valid court order.

**5111.910 Previous Approvals.** 780 CMR 51.00 through 99.00 shall not require changes in the construction documents, construction or designated use group of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been

actively prosecuted within **180 days after the effective date** of 780 CMR 51.00 through 99.00 and is completed with dispatch.

**5111.1011 Signature to Permit.** The building official's signature shall be attached to every permit; or the building official shall authorize a subordinate to affix such signature thereto.

**5111.1112 Approved Construction Documents.** When the building official has determined that the proposed construction conforms to the provisions of 780 CMR 51.00 through 99.00 and other applicable laws, bylaws, rules and regulations under his or her jurisdiction, the building official shall stamp or endorse in writing the three sets of construction documents "Approved." One set of the approved construction documents shall be retained by the building official, one set shall be forwarded to the head of the local fire department (when applicable/see 780 CMR 5110.7 and 780 CMR 5111.8) for purposes of notification and the other set shall be kept at the construction site, open to inspection of the building official or an authorized representative at all reasonable times.

**5111.1213 Revocation of Permits.** The building official shall revoke a permit or approval issued under the provisions of 780 CMR 51.00 through 99.00 in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

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**5111.1314 Approval in Part.** The building official may issue a permit for the construction of foundations or any other part of a detached one- or two-family dwelling before the construction documents for the whole detached one- or two-family dwelling have been submitted, provided that adequate information and detailed statements have been filed complying with all of the pertinent requirements of 780 CMR 51.00 through 99.00. Work shall be limited to that work approved by the partial approval and further work shall proceed only when the building permit is amended in accordance with 780 CMR 5110.8. The holder of such permit for the foundation or other parts of a detached one or

two-family dwelling shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire detached one or two-family dwelling will be granted.

**5111.1415 Posting of Permit.** A true copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution of the work and until the completion of the same.

**5111.1516 Notice of Start.** At least 24-hour notice of start of work under a building permit shall be given to the building official.